

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

APR 18 2017

James H. Hutton, Clerk

BRYAN S. KEES, :
 :
Movant : CRIMINAL ACTION NO.
 : 1:13-CR-459-3-ODE-AJB
 :
v. : CIVIL ACTION NO.
 : 1:15-CV-2517-ODE-AJB
UNITED STATES OF AMERICA, :
 :
Respondent :

ORDER

This pro se civil case is before the Court on the Final Report and Recommendation of United States Magistrate Judge Alan J. Baverman filed March 7, 2017 [Doc. 91] ("R&R"). No objections have been filed.

In the R&R, Judge Baverman recommends that Movant's § 2255 motion be denied, a certificate of appealability be denied, and civil action number 1:15-cv-2517-ODE-AJB be dismissed. Specifically, Judge Baverman found that Movant's grounds for relief are procedurally defaulted and that even if he had overcome his defaults, his grounds would nevertheless fail because his plea agreement contains a valid appeal waiver.

The Court having read and considered the R&R and noting the absence of any objections, it is hereby ADOPTED as the opinion and order of the Court. For the reasons set forth in the R&R, Movant's § 2255 motion is DENIED, a certificate of appealability is DENIED, and civil action number 1:15-cv-2517-ODE-AJB is DISMISSED.

SO ORDERED, this 17 day of April, 2017.


ORINDA D. EVANS
UNITED STATES DISTRICT JUDGE